

COMMISSION MEETING MINUTES  
November 4, 2014

The Board of Davis County Commissioners met in room 303 of the Davis County Administration Building, 61 South Main Street, Farmington, Utah on November 4, 2014. Members present were Commissioner P. Bret Millburn - Chair Pro-Tem; Commissioner John Petroff, Jr. Clerk/Auditor Steve Rawlings, Chief Deputy Civil County Attorney Neal Geddes and Deputy Clerk/Auditor Shauna Brady. Commissioner Louenda H. Downs was excused from the meeting.

Farmington Boy Scout Wes Mattinson led the Pledge of Allegiance, accompanied by fellow Boy Scouts, Jackson and Parker. All in attendance were invited to stand and join in.

Public Notice has been posted that Davis County Commission Meeting will not be held November 11, 2014, nor will County offices be open due to Veteran's Day.

Each year the American Legion hosts and sponsors young people across Davis County in the American Legion Utah Boys State and American Legion Auxiliary Utah Girls State held at Weber State University. Paula Stephenson, state commander and honored member of Post 27 in Farmington, said there were a total of 114 graduates this year and introduced 35 who were in attendance at the meeting. Schools represented this year were Viewmont, Nuames, Davis, Bountiful, Clearfield, Layton, Northridge, Syracuse and Woods Cross High Schools. Scholarships this year are in the amounts of \$1.3 million for Boys State and \$1.5 million for Girls State. Commander Stephenson expressed appreciation to Weber State University for hosting the event for two years now. She thanked the commissioners for the invitation to recognize the graduates at today's meeting. She also recognized the president for Boys State Bob Jones; American Legion Area Commander Chuck Stephenson; Nuames principle Allen Stokes and vice principle Deb Hefner; Carrie Fisher, Utah Girls State board member; Kent Hansen, Post Commander for Post 27; and Ken Hoyle, executive director for Boys State. Commander Stephenson said Davis County was well represented at Boys State with Viewmont student James Clift, serving as the youngest senator in Washington, D.C.; a governor, Caden Rossen, from Viewmont; and Nuames student, Jonathan Bowen, was attorney general. For Girls State, Viewmont student McKinley Carr, served as senator and Emily Fox, from Woods Cross, was attorney general.

Commissioner Millburn said he couldn't think of a better way to spend the morning than with boy scouts, veterans and all who participated in Boys State and Girls State. It is a privilege to pledge allegiance to the flag and a blessing to live in our country, state and county. He recognized the graduates as our future and applauded each for their diligence and efforts in their school work and community service.

Commissioner Petroff said it is great that the graduates would take the time to learn about government and a little bit about the real world. He recognized the students from Nuames and said the County has been involved with that program from its beginning. He said all of us are constantly reminded of how important the STEM programs are and the graduates are in the right fields doing exactly what they ought to be doing. He said, "Your success in life is going to have much greater opportunities with those kinds of education. I am always proud when I see the young people of our country. We have lots of problems out there and what we need are people like you that are responsible and can step in and fill the void that is left by people not only like me, but people that are between you and me."

Commissioner Millburn invited Viewmont student Caden Rossen to come forward to share his thoughts on the experience he had at Boys State. Caden said last summer was the best summer of his life because of Boys State. The cities were composed of unique individuals that varied greatly. Everybody had something to offer and all could play a key role in their cities. Once they became comfortable with each other,

No  
Commission  
Meeting Nov 4

American  
Legion  
recognizes  
Utah Boys  
State and Utah  
Girls State  
2014 graduates

they became one cohesive unit. They united with their sister cities and formed their county, becoming another cohesive unit. They were also united with their entire parties and state. He said, “Throughout Boys State it hit me over and over again how the power of one is not only one individual – the power of one comes when individuals unite together for a common cause. That is why I think America is great, because we have millions of individuals that are united in a common cause. Through Boys State I found a new respect for government and the processes that happen in the system. It was strengthening to me that although we are different, we can come together and be one strong unit. I was grateful to go to Boys State and learn that key principle.”

Commissioners Millburn and Petroff shook hands with each graduate and presented them with a letter of congratulations and a Davis County pen set.

Boy Scout Wes Mattinson recognized for Eagle project at Legacy Events Center

Boy Scout Wes Mattinson was recognized by Dave Hansen, Davis County Legacy Events Center Director, for his Eagle project. Wes is 13 years old and just completed the project, which was placing a flagpole at the Legacy Center in Farmington. The amount of \$1,200.00 to pay for the pole was earned by collecting donations at the Davis County Fair and holding a bake sale. Wes comes from a great heritage of scouting, starting with his grandfathers, his father and three older brothers, all of whom have earned the rank of Eagle Scout. Wes excels in his school work and wants to pursue a career in engineering. He is currently a member of a Lego Robotics team and enjoys playing the saxophone in the award-winning Farmington Jr. High Jazz Band. Wes likes to snow ski, ride go-carts and wave runners and spend time with his family. Wes said the project was a good experience and he learned a lot. Commissioners Millburn and Petroff said the flag pole looks beautiful and will be great for Wes to see over the years. They said he is a great young man with a bright future and congratulated him on a job well done. They also presented him with a coin specifically created for those who have performed a service to benefit the citizens of Davis County.

The bid opening for Legacy Events Center catering service was tabled.

Bid opening for shelving at new Kaysville Branch Library

Steve Rawlings, Davis County Clerk/Auditor and Chris Sanford, Davis County Library Director, conducted a bid opening for shelving for the new Kaysville Branch Library. The results were as follows:

Project: Kaysville Library Shelving RFP  
November 19, 2014

	BIDDER	AMOUNT
1.	HUFCOR	\$84,300.00
2.	Spacesaver Intermountain LLC	\$90,214.00
3.	Craig Johnson & Associates	\$95,788.00

The bids will be reviewed and a recommendation made.

Resolution #2014-372 providing notice of Davis County’s intent to reimburse Pay-to-Stay funds

Troy Rawlings, Davis County Attorney, representing the civil and criminal divisions, presented Resolution #2014-372 of the Board of County Commissioners of Davis County providing notice of Davis County’s intent to reimburse funds unlawfully seized, collected, or taken for costs of incarceration from individuals housed in the Davis County Jail since April 9, 2010. Mr. Rawlings read the heading of the following Resolution:

DAVIS COUNTY  
RESOLUTION NO. 2014-372

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DAVIS COUNTY PROVIDING NOTICE OF DAVIS COUNTY’S INTENT TO REIMBURSE FUNDS UNLAWFULLY SEIZED, COLLECTED, OR TAKEN FOR COSTS OF INCARCERATION FROM INDIVIDUALS HOUSED IN THE DAVIS COUNTY JAIL SINCE APRIL 9, 2010

WHEREAS, Utah Code Ann. § 76-3-201 authorizes Counties to collect restitution funds from individuals convicted of crimes to mitigate the costs of incarceration (Pay-to-Stay), and state law sets forth a procedure to receive such Pay-to-Stay restitution; and

WHEREAS, the Davis County Sheriff's Office ("DCSO"), in an effort to collect Pay-to-Stay restitution, has seized, collected, or otherwise obtained funds from individuals housed in the Davis County Jail without submitting a claim for restitution or receiving a court order; and

WHEREAS, the Davis County Attorney's Office ("DCAO") has advised DCSO and the Board of County Commissioners that taking or obtaining funds for Pay-to-Stay restitution without first submitting a claim for restitution and receiving a court order authorizing the restitution violates state law and meaningful steps must be taken to return property to the lawful owner(s); and

WHEREAS, Judge Michael G. Allphin, in a written Order dated April 9, 2014, found that DCSO's practice of taking funds from inmate accounts for Pay-to-Stay restitution did not comply with applicable state statutes and ordered DCSO to immediately cease its practice; and

WHEREAS, based upon legal counsel received from the DCAO and Judge Allphin's April 9, 2014 Order, Davis County believes it is legally and morally obligated to reimburse individuals whose funds have been unlawfully seized, taken, or otherwise obtained by DCSO for Pay-to-Stay restitution without a valid court order.

Mr. Rawlings said this is a positive thing and recommended and encouraged the commissioners' adoption of the resolution. He said it will be an example to the citizens of Davis County and sends the message that governmental entities are willing to do the right thing when mistakes have been made. He believes at Davis County we put the priorities of those we serve above the entity itself. He said this was a situation where the County Attorney's office believes, and was verified by independent outside counsels and Judge Michael Allphin, that monies were taken in a manner not in compliance with the statutes of the state of Utah from inmates of the Davis County Jail. This resolution is an attempt to give notice to the public that it is our position morally, ethically and legally that as a government entity, we don't want to retain those funds in our Treasury and are willing to take steps to return monies to people that was taken in ways that didn't fully comply with the statute. He said a second reason the commissioners will want to adopt this resolution is conversations and communications he has had with other entities indicate they are considering pursuing litigation against Davis County over this. The passing of the resolution significantly minimizes the fact that litigation will occur. However, if it does, the fact that we are adopting, implementing and moving forward with a policy to implement this will insulate and eliminate any liability of Davis County from any claims of bad faith or punitive damages. It shows it is not a show of practice and procedures of the county government to engage in conduct that we think doesn't comply with the law. The resolution benefits Davis County as a whole and it benefits the citizens that we serve.

Commissioner Petroff said we have studied this quite a bit and are trying to do exactly what is right. He made a motion to approve the resolution. Commission Millburn seconded the motion and read the following sections of the resolution:

***NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DAVIS COUNTY AS FOLLOWS:***

*Section 1. Resolution. The Board of County Commissioners of Davis County declares its intent to fully reimburse individuals that have been housed in the Davis County Jail since April 9, 2010, and that have had funds unlawfully taken from their accounts, or collected by any other means, for Pay-to-Stay restitution without a valid court order.*

*Section 2. Effective Date. This Resolution shall become effective immediately upon its adoption. Unanimously adopted this 4th day of November, 2014 with Commissioners P. Bret Millburn and John Petroff Jr. all voting aye.*

Commissioner Millburn reiterated that Pay-to-Stay is on the state statutes as a viable way of collecting

funds. It is law. But, as we came to realize, there are certain steps and processes by which that can be implemented. For whatever reason, as pointed out by our county attorney, it appears that all those steps weren't followed in every case. We do want to step forward and do the right thing and account for mistakes that may have been made.

Commissioner Petroff agrees that Pay-to-Stay is a great program and may even help people understand the consequences of their actions. However, the steps that we followed got a little out of order. He hopes we get this taken care of and can apply the program in an equitable manner for all involved.

Mr. Rawlings said those steps include 1) seeking a valid court order for restitution; and 2) use of a prioritization scale. He said claims have already been made by some inmates. Even though we are adopting this resolution today, the county has already pro-actively taken steps and monies have been returned to those inmates who have made claims. This is a formalization of how we are going to implement and give public notice to others so they can make claims and seek reimbursement. Mr. Rawlings wanted to personally thank Chief Deputy Kevin Fielding in particular. He has stepped up and tried to help facilitate the correction of things that were happening not through any fault of his at all. He has been the one working with us pro-actively to make sure the accounting is done properly and people get their money back.

All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Request to  
appoint Mark  
Perry to Davis  
County Senior  
Services  
Advisory  
Board

Kristy Cottrell, MPA, RN, Division Director, Family Health and Senior Services, presented a request to appoint Mark Perry to the Davis County Senior Services Advisory Board. Commissioner Petroff made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement  
#2014-373 with  
Stephen and  
Teresa Gashler  
to perform  
holiday puppet  
show at DC  
South Branch  
Library

Chris Sanford, Davis County Library Director, presented agreement #2014-373 with Stephen and Teresa Gashler to perform holiday puppet shows at the Davis County South Branch Library. The payable contract amount is \$300.00. The contract date is December 1, 2014. Commissioner Petroff made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement  
#2014-374 with  
FatPot  
Technologies  
to not disclose  
proprietary  
information

Mark Langston, Davis County Information Systems Director, presented agreement #2014-374 with FatPot Technologies, LLC stating that Davis County will hold in trust and not disclose any proprietary information or the existence of such which is disclosed to Davis County by FatPot. There is no contract dollar amount. The period of contract is upon approval. Commissioner Petroff made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Mike Moake, Davis County Legacy Events Center, presented the following agreements:

Agreement  
#2014-375 with  
USA Wrestling  
Utah to rent  
facilities at  
LEC

Agreement #2014-375 with USA Wrestling Utah to rent facilities at Legacy Event Center for wrestling matches. The receivable contract amount is \$3,625.00. The contract period is February 4-7, 2014. Commissioner Petroff made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement  
#2014-376 with  
USA Wrestling  
Utah to rent  
facilities at  
LEC

Agreement #2014-376 with USA Wrestling Utah to rent facilities at Legacy Event Center for wrestling matches. The receivable contract amount is \$2,250.00. The contract period is April 23-25, 2015. Commissioner Petroff made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement  
#2014-377 with  
Wasatch  
Thunder Youth

Agreement #2014-377 with Wasatch Thunder Youth Soccer to rent space at Legacy Events Center for soccer training. The receivable contract amount is \$11,250.00. The contract period is November 10, 2014

Soccer to rent space for soccer training

through March 13, 2015. Commissioner Petroff made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement #2014-378 with Marzle Zamora to rent space for Quinceanera

Agreement #2014-378 with Marzle Zamora to rent space at Legacy Events Center for a Quinceanera. The receivable contract amount is \$2,725.00. The contract period is March 14, 2015. Commissioner Petroff made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement #2014-379 with Josefino Hernandez to rent space for Quinceanera

Agreement #2014-379 with Josefino Hernandez to rent space at the Legacy Events Center for a Quinceanera. The receivable contract amount is \$2,640.00. The contract period is April 3-4, 2015. Commissioner Petroff made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Agreement #2014-380 with Grass Roots MX LLC to rent space for winter motocross

Agreement #2014-380 with Grass Roots MX LLC to rent space at the Legacy Events Center for winter motocross. The receivable contract amount is \$9,730.00. The contract period is November 12-16, 2014 and February 11-15, 2015. Commissioner Petroff made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Change order #2014-228A with ACME Construction for additional concrete work at LEC

Dave Hansen, Davis County Legacy Events Center Director, presented change order #2014-228A with ACME Construction for additional concrete work done by hand around the drain boxes at the Legacy Events Center. The additional payable contract amount is \$3,705.00 resulting in a new total of \$87,554.00. The contract period is until work is completed. Commissioner Petroff made a motion to approve. Commissioner Millburn seconded the motion. All voted aye. The document is on file in the office of the Davis County Clerk/Auditor.

Commissioner Petroff made a motion to convene as the Board of Equalization. Commissioner Millburn seconded the motion. All voted aye.

Approval of Property Tax Register

Dale Peterson, Davis County Tax Administration Director, presented the Property Tax Register which reflects 12 corrections, 159 appeals recommended for approval and 19 appeals recommended to be denied. Commissioner Petroff made a motion to approve. Commissioner Millburn seconded the motion. All voted aye.

Commissioner Petroff made a motion to reconvene Commission Meeting. Commissioner Millburn seconded the motion. All voted aye.

Approval of minutes

Minutes of the Davis County Commission Meetings held October 28, 2014 were approved by a motion by Commissioner Petroff. Commissioner Millburn seconded the motion. All voted aye.

Check Registers

Check registers as prepared by the Davis County Clerk/Auditor’s Office were approved by a motion from Commissioner Petroff. Commissioner Millburn seconded the motion. All voted aye. The documents are on file in the office of the Davis County Clerk/Auditor.

Commissioner Comments:

Commissioner Millburn reiterated what a great opportunity it is to serve and engage with so many good folks both within the confines of county government and out in the community. It was great to have all the young people with us here this morning. We also recognize several candidates in attendance that are on the ballot. It’s been a great election season and process, but he is glad it is coming to an end.

Davis County Clerk/Auditor Steve Rawlings said Vote-by-Mail has proven to be loved by the public 50-1. Comments they have received have been very positive. He is disappointed they have not seen more activity. However, over 5,000 ballots came in over the weekend which brings the total to over 37,000 ballots

cast at this point in time. Those ballots that have been cast on the voting machines today will be in that count. The ballots that won't be in the count tonight will be paper ballots that are dropped off today. The results will be posted for the public shortly after 8 p.m. tonight. We have set canvass and certification of election results to be announced at a public meeting on November 18. Commissioner Millburn asked for confirmation that given the large number of ballots received the last couple of days, all would be included in the count? Steve confirmed they would and he and Commissioner Millburn commented on how hard the elections office has been working to accomplish this. No reports have come in from polling locations yet.

Davis County Attorney Neal Geddes encouraged everyone to “get out and vote if you haven’t done so already.”

No Public Comments.

Meeting adjourned.

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Clerk/Audit

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Chair